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PATENT, TRADEMARK
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To: Examiner H. C. RICKMAN
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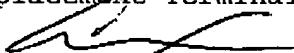
From: Mr. Carl I. Brundidge
 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/664,870
 Attorney Docket No.: 1021.39339VX1

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following listed documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

SUBMISSION OF REPLACEMENT TERMINAL DISCLAIMER WITH ATTACHED
 Replacement Terminal Disclaimer


 Attorney Carl I. Brundidge
 Reg. No. 29,621

June 20, 2006

Date

Total Number of Pages (including cover sheet): 4

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1021.39339VX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. FUTAMOTO, et al

Serial No.: 10/664,870

Filed: September 22, 2003

For: PERPENDICULAR MAGNETIC RECORDING MEDIA,
MAGNETIC RECORDING APPARATUS

Group: 1773

Examiner: H. C. Rickman

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JUN 20 2006SUBMISSION OF REPLACEMENT TERMINAL DISCLAIMERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 20, 2006

Sir:

Attached is a Supplemental Terminal Disclaimer which is being submitted as a replacement of the prior Terminal Disclaimer filed on May 8, 2006 which incorrectly identified the Assignee of the present application as HITACHI, Ltd. and incorrectly identified the prior patent. Entry of the attached Replacement Terminal Disclaimer which correctly identifies the Assignee of the present application as HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD., and correctly identifies the prior patent as 6,686,070 is respectfully requested.

Accordingly, early allowance of claims 7-11 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 1021.39339VX1) and please credit any excess fees to such Deposit Account.

Respectfully submitted,



Carl I. Brundidge
Registration No. 29,621

CIB/jdc MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
703/684-1120

PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**REPLACEMENT TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

1021.39339VX1

In re Application of: M. FUTAMOTO, et al

Application No.: 10/664,870

Filed: September 22, 2003

For: PERPENDICULAR MAGNETIC RECORDING MEDIA, MAGNETIC RECORDING APPARATUS

The owner, **HITACHI GLOBAL STORAGE TECHNOLOGIES JAPAN, LTD.**, (As per the Assignment recorded on Reel 015642 and Frame 0704) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,686,070** as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is issued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Reg. No. 29,621June 20, 2006

Signature

Date

Carl I. Brundidge

Typed or printed name

703) 684-1120

Telephone number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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***Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).**

Form PTO/SB/96 may be used for making this certification. See MPEP §324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the U.S. PTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including collecting, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the individual case. Any comments or suggestions on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Owner/Assignee for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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